REMARKS

Claims 1-3, 5-9 and 11 are pending in the application. Claims 4 and 10 were previously cancelled.

In the Decision on Appeal of March 1, 2010 the Board entered a new ground for rejection of claims 1-3, 5-9 and 11 under 35 U.S.C. §112, second paragraph. The Decision on Appeal was upheld in the Decision on Request for Rehearing dated July 9, 2010. The Board found that the "operational rules" defined in claims 1 and 7 was open to two different interpretations (see page 5 of the Decision, last paragraph).

Claims 1 and 7 are amended herein to change the "operational rules" to now recite "configuration rules." Claims 1-3, 5-7 and 9 have also been amended herein to clarify minor informalities.

Support for the claim amendments may be found in applicants' specification, for example at page 3, lines 17-18; page 3, lines 28-30; and page 4, lines 30-32.

The lines of the specification are reproduced as follows:

Page 3, lines 17-18:

> The device operating characteristics includes at least one of (a) operational rules, (b) commands, and (c) processing routines.

Page 3, lines 28-30:

> In practice, the configuration rules for each storage device are determined from the information stored in the corresponding library for each such device.

Page 4, lines 30-32:

> As discussed previously, each library associated with a storage device will include operational rules, commands, and processing routines associated with that device.

The specification is clear that a database is established containing information about the identified at least one storage device, the information includes *operating characteristics* of the identified at least one storage device. The Specification also provides that "a Communication Object Model (COM/Distributed Communications

6

Serial No. 10/519,856
Art Unit 2167

Docket PU020329
Customer No. 24498

Object Model (DCOM) layer 20 ... takes the form of a memory that includes specific configuration rules for each of the storage devices 12,-123," (Spec. 3, 11. 26-28) and the configuration rules are determined from the information in the library of the corresponding storage device to ensure that the requested operation complies with the configuration rules (Spec. 3, 1. 29-Spec. 4, 1. 6). Emphasis added.

Based on at least the foregoing sections of the specification, applicants respectfully submit that the claim amendments are proper and justified and that the rejection under 35 U.S.C. §112, second paragraph has been traversed and should be withdrawn.

Grounds of Rejection from the Final Office Action

Claims 1-11 were rejected in the final Office Action under 35 U.S.C. §103(a) *as* unpatentable over Baldwin et al. (U.S. Patent No. 7,171,624, hereinafter Baldwin) in view of Lavallee et al. (U.S. Patent No. 7,003,527, hereinafter Lavallee).

Applicants' claim 1 recites in part the features of:

"processing the user-selected menu option, said processing further including:

determining if a requested execution of the at least one process complies with configuration rules for the identified at least one storage device, and if not, blocking execution of the at least one process, and generating an error message, the configuration rules determined in accordance with the information in the database" (emphasis added).

In the Advisory Action following applicants' AF Amendment the USPTO (hereinafter "the Office") solely relied on Lavallee as teaching the above claimed features. In particular, the Advisory Action cited Lavallee Col. 3, lines 4-65; Col. 5, lines 45-50, and lines 65-67 as supposedly disclosing the above mentioned features. Applicants respectfully submit that such reliance is misplaced.

7

In the Advisory Action portions of Lavallee are reproduced. In particular the Advisory points to Col. 3, line 49 to Col. 4, line 8 of Lavallee. The Office then concludes that "such ability clearly shows that the management system is aware of specific operational rules for a particular storage device, ... furthermore Lavallee discloses (The functional components forward the call to the appropriate access wrapper component(s) which operate to translate... into an operation of at least one vendor-specific command."

Applicants respectfully disagree. As described in Lavallee and reproduced in the Advisory: "In other words, a vendor only needs to change the code of a management client when they are ready to do so to take advantage of new features." Therefore, the management system is not necessarily aware of specific operational rules. Lavallee describes that "a vendor only needs to change the code of a management client when they are ready to do so." Lavallee is suggesting that code changes must occur to implement additions or changes. This would not suggest "determining" as claimed by applicants.

In addition, the access wrapper components in Lavallee are described only as translating the commands. There is no suggestion of determining if a requested execution of the at least one process complies with configuration rules. Lavallee Col. 5, line 62 to Col. 6, line 10 describes the manner of translating a generic command. In Lavallee's description there is no indication or suggestion of "determining" as recited in applicants' claim 1. Simply translating commands per a library does not teach applicants' claimed features of determining if a requested execution of the at least one process complies with configuration rules (also see Lavallee Col. 13, line 46 to Col. 14, line 8, where only translating is mentioned).

Furthermore, the Office does not even address the claimed features in their entirety. For example, the Office does not mention, nor is there any suggestion of the emphasized features of:

> determining if a requested execution of the at least one process complies with configuration rules for the identified at least one storage device, <u>and if not, blocking execution of the at least one</u>

8

<u>process, and generating an error message</u>, the configuration rules determined in accordance with the information in the database" (emphasis added).

The combination of references does not teach or suggest the claimed features. Nor is there any showing in the Office Action as to how one of ordinary skill in the art would arrive at applicants' claimed invention based at least on Baldwin and Lavallee, singularly or in combination. Therefore, in view of at least the foregoing reasons the Office has not demonstrated how each and every claim element recited in claim 1 is disclosed or suggested by the combined teachings of Baldwin and Lavallee.

Applicants' claim 7 includes in part the features of:

a processor coupled to the at least one storage device for ... determining if a requested execution of the at least one process complies with configuration rules for the identified at least one storage device, and if not, (ii) blocking execution of the at least one process; and (iii) generating an error message, the configuration rules determined in accordance with the information in the database

The Office relies on substantially the same arguments from claim 1 to reject claim 7 as obvious over the combined teachings of Baldwin and Lavallee. Claim 7 is different from claim 1 and must be interpreted separately, however by applying to claim 7 the above discussion of Lavallee applicants respectfully submit that claim 7 should be allowed over the combination of Baldwin and Lavallee.

The dependent claims include at least the distinguishing features recited in each independent claim from which they depend. Therefore, the dependent claims are likewise patentable for at least the above reasons and because each dependent claim includes further distinguishing features.
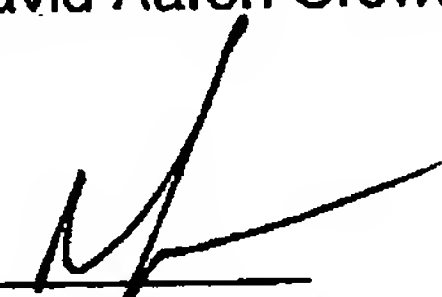
Serial No. 10/519,856
Art Unit 2167

Docket PU020329
Customer No. 24498

Conclusion

In view of the foregoing, applicants solicit entry of this amendment and allowance of the claims. If the Examiner cannot take such action, the Examiner should contact the applicant's attorney at (609) 734-6820 to arrange a mutually convenient date and time for a telephonic interview.

Respectfully submitted,

David Aaron Crowther et al.

By: _____

Robert B. Levy
Attorney for Applicants
Reg. No. 28,234
Phone (609) 734-6820

Patent Operations
Thomson Licensing LLC
P.O. Box 5312
Princeton, New Jersey 08543-5312

10